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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,556	05/15/2001	Takahiro Tanioka	166539/00	8146

7590 04/30/2004  
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EXAMINER

BACKER, FIRMIN

ART UNIT PAPER NUMBER

3621

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/854,556

Applicant(s)

TANIOKA, TAKAHIRO

Examiner

Firmin Backer

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Response to Amendment***

This is in response to an amendment file on March 9<sup>th</sup>, 2004 for letter for patent filed on May 15<sup>th</sup>, 2001 in which claims 1-20 were presented for examination. In the amendment, claims 1-4, 7, 8, 10, 12, 14, 17-20 have been amended, no claim has been canceled, and claim 21 has been added. Claims 1-21 are pending in the letter.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (*U.S.*

*Patent No. 6,385,636*).

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4. As per claims 4, 7, 8, Suzuki teaches a distributed processing method of a processing task, comprising a user terminal obtaining a user application and a license application from an application server via a network, the application server transmitting information of a user who obtained the user application and the license application to a collection/distribution server for accepting a request for a processing task from a customer terminal via the network, dividing the processing task into a form which can be distributed and executed in a plurality of user terminals, requesting the user terminal of executing the divided processing task based on the user information received from the application server, the license application executing the divided processing task requested from the collection/distribution server by the license application on the user terminal, and sending back a processing result to the collection/distribution server from the user terminal; the license application providing the user terminal with a license key for the user application installed to the user terminal, and the collection/distribution server integrating the processing results of the processing task collected from the user terminals to transmit a integrated result to the customer terminal (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

5. As per claim 5, Suzuki teaches a distributed processing method wherein the license application runs as a background processing on the user terminal (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

6. As per claim 6, Suzuki teaches a distributed processing method further comprising: the application server accounting to the collection/distribution server in accordance with the number

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of the license applications supplied to the user terminal (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

7. As per claim 9, Suzuki teaches a distributed processing further comprising: a first user database which connects to the application server and which stores user information of the user terminals, to which the application server supplied the user application and the license application, wherein the application server notifies the collection/distribution server of the user information when storing the user information into the first database (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

8. As per claim 10, Suzuki teaches a distributed processing system according to claim 9, further comprising: a second user database which connects to the collection/distribution server and which stores the user information received by the collection/distribution server from the application server, wherein the collection/distribution server manages the user terminals which execute a divided processing task based on the second user database (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

9. As per claim 11, Suzuki teaches a distributed processing system according to claim 10, wherein the license application supplied to the user terminal requests the processing unit to the collection/distribution server when the license application runs on the user terminal (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-3 and 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (*U.S. Patent No. 6,385,636*) in view of Downs et al (*U.S. Patent No. 6,112,243*).

12. As per claim 1, 3, 12, 17-21, Suzuki teaches a distributed processing method in which a processing task is distributed to a plurality of user terminals in a network and is executed by a user terminals (*see fig 1-3, column 2 lines 8-37, 4 lines 10-34*) comprising a server dividing a processing task into a plurality of the processing units and distributing the processing units to the plurality of user terminals so that, each of the plurality of user terminals will be able to execute at least on distributed processing unit received from the server and sending back a processing result to the server via the network (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*). Suzuki fails to teach user terminals receiving a specified service as a value for executing the processing units. However Downs et al teach user terminals receiving a specified service as a value for executing the processing units (*see column 4 lines 5-23*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Suzuki to include Downs concept of user terminals receiving a specified

service as a value for executing the processing units because this would have ensured that e user terminal is compensated for service rendered.

13. As per claim 2, Suzuki fail to teach teaches a distributed processing method wherein the specified service is to provide a license of using a user application or to discount a user fee charged by a on-line shopping and a provider connection. However, Downs et al teach a distributed processing method wherein the specified service is to provide a license of using a user application or to discount a user fee charged by a on-line shopping and a provider connection (*see column 3 lines 29-55, 4 lines 60-5 line 28*). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inventive concept of Suzuki to include Downs et al's a distributed processing method wherein the specified service is to provide a license of using a user application or to discount a user fee charged by a on-line shopping and a provider connection this would have ensured that e user terminal is compensated for service rendered.

14. As per claim 13, Suzuki teaches a distributed processing system wherein the collection/distribution server integrates and edits all the processing results transmitted from the user terminals, and transmits the result to the customer terminal (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

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15. As per claim 14, Downs et al teach a distributed processing system wherein the service for the user terminal of the application server is a discount of a fee in accordance with the points (*see column 3 lines 29-55, 4 lines 60-5 line 28*).

16. As per claim 15, Suzuki teaches a distributed processing system wherein the license application runs on the user terminal as a background processing (*see fig 1-3, column 2 lines 8-37, 3 lines 13-37, 4 lines 10-34*).

17. As per claim 16, Downs et al teach a distributed processing system wherein the application server charges the user terminal for an amount, which is discounted from a service fee for the user terminal by an amount in accordance with the point, and charges the collection/distribution server for the discounted amount (*see column 3 lines 29-55, 4 lines 60-5 line 28*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

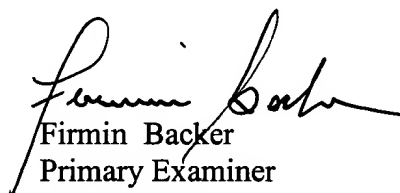
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Firmin Backer  
Primary Examiner  
Art Unit 3621

April 27, 2004